FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

A**PPEAL FROM ORDER NO.376 OF 2000**

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM: A.S.OKA, J.

DATED: 25th February, 2005.

P.C.:

1. Heard the learned advocate appearing for the Appellant.

2. Notice before admission has been issued by this Court on 12th June,2000. The challenge in this Appeal is to the Order dated 24.1.2000 by which application for temporary injunction made by the Appellant/Plaintiff has been rejected by the Trial Court. While rejecting the application at Exh.5, the trial Court vacated earlier ad-interim order. Perusal of the record of the Appeal from Order shows that there is no ad-interim relief granted in favour of the Appellant. Now,

after lapse of 5 years, ad-interim relief cannot be granted in favour of the Appellant.

3. Grant of temporary injunction is a discretionary and equitable relief. The said equitable relief cannot be granted at this stage when there is no interim relief operating for last about five years. Hence, Appeal from Order is dismissed with no order as to costs.

4. It is made clear that the findings which are recorded by the learned Trial Judge while rejecting the application are tentative findings and the suit will be decided by the Court below without being influenced by the said findings.

5. Parties to act on the authenticated copy of this order.

JUDGE